

11-21-2011

Marijuana Legalization. Initiative Statute.

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Marijuana Legalization. Initiative Statute. California Initiative 1524 (2011).
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DEBRA BOWEN | SECRETARY OF STATE
STATE OF CALIFORNIA | ELECTIONS

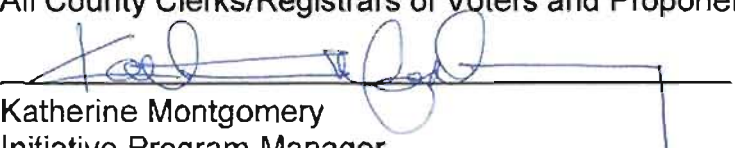
1500 11th Street, 5th Floor | Sacramento, CA 95814 | Tel (916) 657-2166 | Fax (916) 653-3214 | www.sos.ca.gov

May 2, 2012

County Clerk/Registrar of Voters (CC/ROV) Memorandum #12139

TO: All County Clerks/Registrars of Voters and Proponents

FROM:


Katherine Montgomery
Initiative Program Manager

RE: Initiative: Failure of #1524, Related to Marijuana

Pursuant to Elections Code section 9030(b), you are hereby notified that the total number of signatures for the hereinafter named initiative statute filed with all county elections officials is less than 100 percent of the number of qualified voters required to find the petition sufficient; therefore, the petition has **failed**.

TITLE: MARIJUANA LEGALIZATION. INITIATIVE STATUTE.

SUMMARY DATE: November 21, 2011

PROPONENTS: Joe Rogoway, Frank H. Lucido, Pebbles Trippet, William Panzer, and Omar Figueroa



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November 21, 2011

County Clerk/Registrar of Voters (CC/ROV) Memorandum #11121

TO: All County Clerks/Registrars of Voters and Proponents

FROM:


Katherine Montgomery
Initiative Program Manager

RE: Initiative: 1524, Related to Marijuana

Pursuant to Elections Code section 9004 (c), we transmit herewith a copy of the Title and Summary prepared by the Attorney General on a proposed initiative measure entitled:

**MARIJUANA LEGALIZATION.
INITIATIVE STATUTE.**

The proponents of the above-named measure are:

Joe Rogoway
Frank H. Lucido
Pebbles Trippet
William Panzer
Omar Figueroa
P.O. Box 282
Santa Rosa, CA 95402

(707) 520-4205

#1524

**MARIJUANA LEGALIZATION.
INITIATIVE STATUTE.**

CIRCULATING AND FILING SCHEDULE

1. Minimum number of signatures required: 504,760
California Constitution, Article II, Section 8(b)
2. Official Summary Date: Monday, 11/21/11
3. Petitions Sections:
 - a. First day Proponent can circulate Sections for
signatures (Elections Code § 336) Monday, 11/21/11
 - b. Last day Proponent can circulate and file with the county.
All sections are to be filed at the same time within each
county. (Elections Codes §§ 9014, 9030(a))..... Thursday, 04/19/12
 - c. Last day for county to determine total number of
signatures affixed to petitions and to transmit total
to the Secretary of State (Elections Code § 9030(b))..... Tuesday, 05/01/12

(If the Proponent files the petition with the county on a date prior to
04/19/12, the county has eight working days from the filing of the petition
to determine the total number of signatures affixed to the petition and to
transmit the total to the Secretary of State) (Elections Code § 9030(b).)
 - d. Secretary of State determines whether the total number
of signatures filed with all county clerks/registrars of
voters meets the minimum number of required signatures
and notifies the counties..... Thursday, 05/10/12*
 - e. Last day for county to determine total number of qualified
voters who signed the petition, and to transmit certificate
with a blank copy of the petition to the Secretary of State
(Elections Code §§ 9030(d)(e))..... Friday, 06/22/12

* Date varies based on the date of county receipt.

INITIATIVE #1524

Circulating and Filing Schedule continued:

(If the Secretary of State notifies the county to determine the number of qualified voters who signed the petition on a date other than 05/10/12, the last day is no later than the thirtieth working day after the county's receipt of notification). (Elections Code §§ 9030(d)(e).)

- f. If the signature count is more than 555,236 or less than 479,522 then the Secretary of State certifies the petition as qualified or failed, and notifies the counties. If the signature count is between 479,522 and 555,236 inclusive, then the Secretary of State notifies the counties using the random sampling technique to determine the validity of all signatures (EC §9030(f)(g); 9031(a))Monday, 07/02/12*

- g. Last day for county to determine actual number of all qualified voters who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State. (Elections Code §§ 9031(b)(c)).Tuesday, 08/14/12

(If the Secretary of State notifies the county to determine the number of qualified voters who have signed the petition on a date other than 07/02/12, the last day is no later than the thirtieth working day after the county's receipt of notification.) (Elections Code §§ 9031(b)(c).)

- h. Secretary of State certifies whether the petition has been signed by the number of qualified voters required to declare the petition sufficient (Elections Code §§ 9031(d), 9033)...Saturday, 08/18/12*

*Date varies based on the date of county receipt.

IMPORTANT POINTS

- California law prohibits the use of signatures, names and addresses gathered on initiative petitions for any purpose other than to qualify the initiative measure for the ballot. This means that the petitions cannot be used to create or add to mailing lists or similar lists for any purpose, including fundraising or requests for support. Any such misuses constitutes a crime under California law. Elections Code § 18650; *Bilofsky v. Deukmejian* (1981) 124 Cal.App.3d 825, 177 Cal.Rptr. 621; 63 Ops.Cal.Atty.Gen. 37 (1980).
- Please refer to Elections Code §§ 100, 101, 104, 9008, 9009, 9013, 9021, and 9022 for appropriate format and type consideration in printing, typing and otherwise preparing your initiative petition for circulation and signatures. Please send a copy of the petition after you have it printed. This copy is not for our review or approval, but to supplement our file.
- Your attention is directed to the campaign disclosure requirements of the **Political Reform Act of 1974**, Government Code section 81000 et seq.
- When writing or calling state or county elections officials, provide the official title of the initiative which was prepared by the Attorney General. Use of this title will assist elections officials in referencing the proper file.
- When a petition is presented to the county elections official for filing by someone other than the proponent, the required authorization shall include the name or names of the persons filing the petition.
- When filing the petition with the county elections official, please provide a blank petition for elections official use.

KAMALA D. HARRIS
Attorney General

State of California
DEPARTMENT OF JUSTICE



1300 I STREET, SUITE 125
P.O. BOX 944255
SACRAMENTO, CA 94244-2550
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Telephone: (916) 324-5464
Facsimile: (916) 324-8835
E-Mail: Dawn.McFarland@doj.ca.gov

November 21, 2011

The Honorable Debra Bowen
Secretary of State
Office of the Secretary of State
1500 11th Street, 5th Floor
Sacramento, CA 95814

Attention: Ms. Katherine Montgomery
Elections Analyst

FILED
In the office of the Secretary of State
of the State of California

NOV 21 2011

VIA
EMAIL
4:12 PM

Debra Bowen, Secretary of State
By Deputy Secretary of State

Dear Secretary Bowen:

Pursuant to Elections Code section 9004, you are hereby notified that on this day we sent our title and summary for the following proposed initiative to the proponent:

- 11-0046, "The Repeal Cannabis Prohibition Act of 2012"

A copy of that title and summary and text of the proposed initiative is enclosed. Please contact me if you have questions.

Sincerely,

DAWN L. MCFARLAND
Acting Initiative Coordinator

For KAMALA D. HARRIS
Attorney General

DLM:

cc: The Committee to Repeal Cannabis Prohibition, Proponents

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

MARIJUANA LEGALIZATION. INITIATIVE STATUTE. Decriminalizes marijuana use, possession, cultivation, transportation, distribution, or sale for adults aged 19 and older. Creates California Cannabis Commission to regulate commercial cultivation, processing, testing, transport, distribution, sale, facilities for on-premises consumption, and smoking in public, but authorizes local governments to permit conduct otherwise prohibited by state law and regulations. Exempts from regulation or taxation up to three pounds of marijuana for personal use. Retains laws prohibiting marijuana-related conduct that contributes to the delinquency of a minor and driving while impaired by marijuana. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: **The fiscal effects of this measure are subject to considerable uncertainty depending on the extent to which the federal government continues to enforce federal marijuana laws and depending upon how, and to what extent, the state chooses to regulate the commercial production and sale of marijuana. Savings potentially in the low hundreds of millions of dollars annually to state and local governments on the costs of enforcing certain marijuana-related offenses, handling the related criminal cases in the court system, and incarcerating and supervising certain marijuana offenders. Costs potentially up to the low tens of millions of dollars annually to the state to regulate the commercial production and sale of marijuana. Potentially hundreds of millions of dollars in net additional tax revenues related to the production and sale of marijuana products.** (11-0046)

Sensible California
PO Box 282
Santa Rosa Ca, 95402
(707) 520-4205

RECEIVED

SEP 30 2011

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

September 28, 2011

Initiative Coordinator
Office of the Attorney General
State of California
PO Box 994255
Sacramento CA, 94244-25550

Re: Request for Title and Summary of Proposed Initiative

Dear Ms. MacFarland,
Pursuant to Article II, Section 10(d) of the California Constitution, we are submitting the attached proposed statewide ballot measure ("The Repeal Cannabis Prohibition Act of 2012") to your office and hereby request that a circulating title and summary of the chief purpose and points of the initiative measure be prepared pursuant to Elections Code §9001(a).

Please find the following items attached hereto:

Exhibit A: A draft of the initiative measure

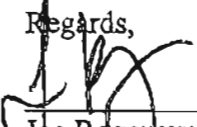
Exhibit B: The required signed affidavits signed by each proponent pursuant to California Elections Code sections 9001 and 9608.

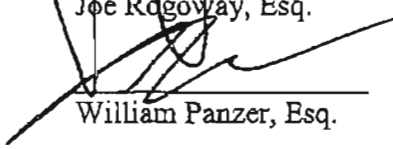
Exhibit C: The address of each proponent as a registered voter.

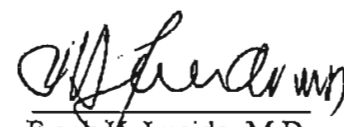
We have also enclosed a check for \$200 to be placed in a trust fund in the Office of the State treasurer pursuant to Elections Code §9001(c). Each proponent has included their address as registered to vote in Exhibit C.

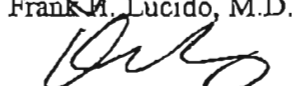
Thank you for your time and attention to this matter. Please contact us at the information provided above with any questions or concerns.

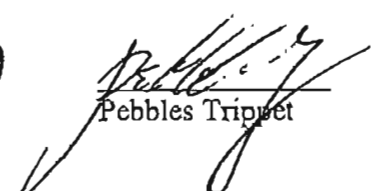
Regards,


Joe Rogoway, Esq.


William Panzer, Esq.


Frank M. Lucido, M.D.


Omar Figueroa, Esq.


Pebbles Tripp

Repeal Cannabis Prohibition Act of 2012

This initiative measure is submitted to the People of the State of California in accordance with the provisions of Article II, Section 8 of the Constitution.

This initiative measure adds Chapter 6.7, entitled "Repeal of Cannabis Prohibition," to Division 10 of the Health and Safety Code.

PROPOSED LAW

SECTION 1. Sections 11420, 11421, 11422, 11423, 11424, 11425, 11426, and 11427 are added to the Health and Safety Code, to read:

11420(a). This Act shall be known and cited as the Repeal Cannabis Prohibition Act of 2012.

(b)(1) The People of the State of California hereby find and declare that the purposes of the Repeal Cannabis Prohibition Act of 2012 are as follows:

- (A) To ensure that adults have the right to obtain and use cannabis.
- (B) To ensure that adults who participate in cannabis related activities are not subject to criminal arrest, prosecution, or sanction.
- (C) To make cannabis available for scientific, medical, industrial, and research purposes.

(2) Nothing in this section shall be construed to supersede legislation prohibiting persons from driving impaired, nor to condone the diversion of cannabis to minors.

(c) "Cannabis" means "marijuana" as defined in Section 11018 and "concentrated cannabis" as defined in Section 11006.5.

11421(a). The following statutes are hereby repealed from the Health and Safety Code: Section 11054(d)(13), Section 11054(d)(20), Section 11357, Section 11358, Section 11359, Section 11360, and Section 11361. Section 23222(b) of the California Vehicle Code is hereby repealed. Cannabis related activities are hereby removed from the prohibitions contained within Health and Safety Code Sections 11364.7, 11365, 11366, 11366.5, 11379.6 and 11570.

(b). The repeal of Health and Safety Code section 11360, as related to sales only, will be effectuated within 180 days of passage of the Act in order to allow the California Cannabis Commission the opportunity to enact commercial cannabis regulations.

11422. It shall not be a crime or public offense for an adult, 19 years of age or older, to use, possess, share, cultivate, transport, process, distribute, sell or otherwise engage in cannabis related activities.

11423(a). A new state commission is hereby created and shall be named the California Cannabis Commission which shall be empowered to establish and oversee the regulatory system for the commercial cultivation, manufacturing, processing, testing, transportation, distribution, and sales of cannabis. This shall include promulgation of regulations to control, license, permit, or otherwise authorize the commercial cultivation, manufacturing, processing, testing, transportation, distribution and sales of cannabis. These regulations shall include appropriate controls on the licensed premises for commercial cultivation, sales and on-premises consumption of cannabis including limits on zoning and land use, locations, size, hours of operation, occupancy, protection of adjoining and nearby properties, and other environmental and public health controls. These regulations may not include bans of the conduct permitted by this Act. The Legislature is hereby empowered to define the organizational structure and membership of the California Cannabis Commission.

(b) Any regulations created by the California Cannabis Commission may not infringe on the individual rights set forth in this Act. Any taxes, regulations, fines and fees imposed pursuant to this section shall not be imposed on personal amounts of cannabis below 3 pounds of processed cannabis and 100 sq. ft. of cannabis plant canopy per adult provided that the processed cannabis was not sold or purchased pursuant to subdivision (a).

(c) The California Cannabis Commission may regulate the smoking of cannabis in public.

11424. This Act, and all state implementations of this Act, shall preempt enactments of local jurisdictions with the exception that local jurisdictions may enhance the rights and protections of persons involved in cannabis related activities beyond what is delineated by the state or this Act.

11425. This Act shall not adversely affect the individual and group rights and protections afforded by California Health and Safety Code §11362.5 through §11362.83.

11426(a). Except as authorized by law, every person under the age of 19 who possesses, cultivates, transports, or distributes cannabis shall be guilty of a misdemeanor or an infraction.

(b) Except as authorized by law, every person 19 years of age or older who furnishes cannabis to a person under the age of 19 shall be guilty of a misdemeanor or infraction.

(c) Cannabis related conduct that contributes to the delinquency of a minor shall continue to be punished by Penal Code section 272. Driving while impaired by cannabis shall be punished by Vehicle Code Sections 23103, 23152(a), and 23153. Impairment occurs when a person's mental or physical abilities are so impaired that he or she is no longer able to drive a vehicle with the caution of a sober person, using ordinary care, under similar circumstances.

11427. If any word, sentence, clause, or provision of this Act or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of the Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.